

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In Re:

**AREDIA® AND ZOMETA® PRODUCTS
LIABILITY LITIGATION**

(MDL No. 1760)

This Document Relates to:

3:08-cv-00801 (*Miller*)

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No. 3:06-MD-1760

Judge Campbell/Brown

ORDER

A suggestion of death was filed on August 20, 2013 noticing the court that plaintiff Chester Miller died on April 23, 2012. (MDL Doc. 6920; Related Case 21) A motion for provisional substitution was filed on November 18, 2013 on behalf of Patricia Miller who represents that she is the late Mr. Miller's wife, his "heir at law," and his "personal representative." (MDL Doc. 7145; Related Case 22)

Defendant Novartis Pharmaceuticals Corporation (NPC) filed a response to the motion to substitute on December 2, 2013 noting, in part, the need for clarification and additional information regarding the motion to substitute. (MDL Doc. 7168; Related Case 23) Given NPC's reliance on the late Mr. Miller's representations on the record, a reply is deemed unnecessary.

Counsel shall provide proof not later than December 23, 2013 that Patricia Miller was, in fact, married to the late Mr. Miller at the time of his death. If not, counsel shall provide relevant law and argument as to why she is a proper party to this action.

If Patricia Miller was married to the late Mr. Miller at the time of his death, counsel shall provide proof that Patricia Miller has initiated proceedings in the California courts to be appointed the personal representative of his estate. If Patricia Miller has not initiated such proceedings, and

is instead proceeding under California's alternate procedure, then counsel shall provide relevant law, argument, and appropriate documentation necessary for her to proceed as "successor in interest" under California's alternate procedure. *See e.g.*, Cal Prob. Code §§ 100(a), 6401(a).

It is so **ORDERED**.

ENTERED this 5th day of December, 2013.

/s/Joe B. Brown
Joe B. Brown
United States Magistrate Judge